IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTIION

Writ Petition No. 3399 of 2006

Shri Ramchandra Kero Patil
and another ..Petitioners

vs.

Executive Engineer
Maharashtra State Electricity
Board and others ..Respondents

Ms.Gouri Godse for petitioners
Ms.A.R.S.Baxi for respondents.

CORAM: S.C.DHARMADHIKARI J.
23rd NOVEMBER, 2007

P.C.

1. Pursuant to the liberty sought from this Court on 21st April, 2007 the respondent Executive Engineer, M.S.E.B. and Maharashtra State Electricity Board has challenged the interim mandatory order by filing Misc.Civil Appeal. Along with the said appeal, an application for condonation of delay is also preferred and both are stated to be pending. In my view, the learned Judge to whom the appeal is assigned should first take up the appalication for condonation of dleay and pass appropriate orders thereon after hearing both sides within six weeks from today. The petition is disposed of by granting liberty to the petitioners to

apply for reliefs which have been prayed, namely, breach of interim mandatory injunction, under order 39 Rule 2A of the Code of Civil Procedure after the disposal of the application preferred by the respondent. Such application, if made, by the petitioner must be dealt with uninfluenced by any earlier observations. Petition disposed of.

(S.C.DHARMADHIKARI J.)